

1 Don Howarth, State Bar No. 53783  
2 Suzelle M. Smith, State Bar No. 113992  
3 Jennifer C. Davis, State Bar No. 218306  
4 HOWARTH & SMITH  
5 523 West Sixth Street, Suite 728  
6 Los Angeles, California 90014  
7 Telephone: (213) 955-9400  
8 Facsimile: (213) 622-0791  
9 Email: [dhowarth@howarth-smith.com](mailto:dhowarth@howarth-smith.com)

10 Attorneys for Defendant  
11 THE IAMS COMPANY

12 UNITED STATES DISTRICT COURT  
13 SOUTHERN DISTRICT OF CALIFORNIA

14 DIANE SWARBERG, individually and on  
15 behalf of all others similarly situated,

16 Plaintiff,

17 vs.

18 MENU FOODS HOLDING, INC., THE  
19 IAMS COMPANY, and DOES 1 through  
20 100, inclusive,

21 Defendants.

) **CASE NO. 07cv0706 JAH(CAB)**

) Honorable John A. Houston

) **JOINT MOTION FOR EXTENSION**  
) **OF TIME TO FILE RESPONSIVE**  
) **PLEADING**

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1 Pursuant to CivLR 12.1 of the Local Rules of Practice for United States District  
2 Court, Southern District of California, Defendant The Iams Company ("Defendant") and  
3 Plaintiff Diane Swarberg ("Plaintiff"), hereby jointly move for an order extending the time  
4 for Defendant to file its response to Plaintiff's Complaint. The parties have filed previous  
5 joint motions to extend Defendant's time to respond, first until May 29 and again until June  
6 11, which the Court granted. The parties hereby jointly request that the deadline for filing  
7 Defendant's First Responsive pleading now be extended from June 11, 2007 to July 31,  
8 2007.

9 Good cause exists for granting an extension. There is a Motion to Stay All  
10 Proceedings, filed by Menu Foods Holding, Inc., currently pending before the Court. The  
11 hearing on the Motion to Stay was set for May 31, 2007 at 3:00pm. The hearing was  
12 vacated by order of the Court and the Motion was taken under submission without oral  
13 argument. Since the Court's ruling on the Motion to Stay would govern all parties and  
14 proceedings in the case, Defendant seeks a further extension of time to file its responsive  
15 pleading until a date after the Court rules on the Motion to Stay. In addition, there was a  
16 May 31, 2007 hearing before the Judicial Panel on Multidistrict Litigation ("MDL Judicial  
17 Panel") on several pending Motions for Transfer and Coordination or Consolidation of  
18 Related Actions, which if granted would consolidate and transfer this case to another forum.  
19 The opportunity to avoid potentially duplicative and unnecessary hearings and efficiently  
20 decide this and other cases against the named defendants justifies awaiting the decision from  
21 the MDL Judicial Panel before proceeding further in this litigation. The Judicial Panel is  
22 expected to issue a decision in July 2007.

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1 For the foregoing reasons, the parties hereto ask for an extension of time for  
2 Defendant The Iams Company to file its first responsive pleading so that it would be due on  
3 or before July 31, 2007.

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5 Dated: June 8, 2007

HOWARTH & SMITH

6  
7 s/Don Howarth  
8 Don Howarth  
9 Attorneys for Defendant  
The Iams Company

10 Dated: June \_\_\_, 2007

BERDING & WEIL

11  
12 Jeffrey B. Cereghino, Esq.  
13 Attorneys for Plaintiff  
Diane Swarberg

1 For the foregoing reasons, the parties hereto ask for an extension of time for  
2 Defendant The Iams Company to file its first responsive pleading so that it would be due on  
3 or before July 31, 2007.  
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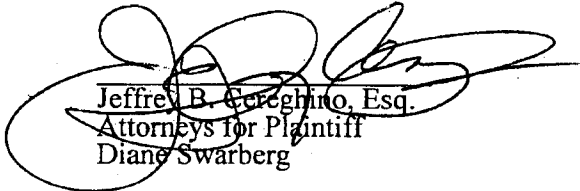
5 Dated: June \_\_, 2007

HOWARTH & SMITH

6  
7 Don Howarth  
8 Attorneys for Defendant  
9 The Iams Company

10 Dated: June 7, 2007

BERDING & WEIL

11   
12 Jeffrey B. Berghino, Esq.  
13 Attorneys for Plaintiff  
14 Diane Swarberg  
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**CERTIFICATE OF SERVICE**

I certify that on June 8, 2007, I caused the following document:

**JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING**  
to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

**Susan Moriarty Hack at hack@higgslaw.com**

**Michael P. Turiello at mturiello@pretzel-stouffer.com**

I further certify that I caused a copy of the foregoing document and the notice of electronic filing to be mailed by first class mail, postage prepaid, to the following non-ECF participants:

**Jeffrey B. Cereghino, Esq.  
Steven R. Weinmann, Esq.  
BERDING & WEIL LLP  
3240 Stone Valley Road West  
Alamo, California 94507**

**Nicole Dorsky, Esq.  
Jeremy Gilman, Esq.  
BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF LLP  
200 Public Square #2300  
Cleveland, Ohio 44114-2378**

**Priya Jesani, Esq.  
Edward B. Ruff, III, Esq.  
PRETZEL & STOUFFER Chartered  
One Wacker Drive  
Suite 2500  
Chicago, Illinois 60606**

**Dennis E. Murray, Sr., Esq.  
John T. Murray, Jr., Esq.  
Leslie O. Murray, Esq.  
MURRAY & MURRAY CO., L.P.A.  
111 East Shoreline Drive  
P.O. Box 19  
Sandusky, Ohio 44870**

Dated: June 8, 2007

s/Don Howarth  
Don Howarth